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10/533,161	10/24/2005	David Nocera	19075-9	9300

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EXAMINER
NGUYEN, ANGELA

ART UNIT	PAPER NUMBER
4121	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-12* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *29 April 2005* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/5/2005*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the figures are of poor quality such that they are unreadable. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims rejected under 35 U.S.C. 102(b) as being a by Mayo *et al.* (U.S. 5,751,965), hereinafter Mayo.

With respect to claim 1, Mayo teaches a method of visualizing patterns of change and behavior on a compute infrastructure having a plurality of nodes, said method comprising:

providing a set of color hues (fig. 5, a condition table provides a set of color hues);

providing predetermined rates of change or behavior for each node of said compute infrastructure (column 6, lines 60-62, system provides the condition of each of the first and second interface elements may be selected from a predetermined plurality of conditions; fig. 4, item 42, see predetermined conditions (rate of change or behaviors): good, bad, unknown, disabled, and unreachable);

associating a color hue with a rate of node change or behavior (fig. 5, condition table associates color hue with interface node condition (rate of change or behavior));

monitoring said nodes to determine said rate of node change or behavior of each node (column 5, lines 29- 32, Information pertaining to the condition (rate of node change or behavior)of the network resource (node) can be obtained (determined) from the network entity by polling (monitoring) the resource…; fig. 4, item 40, monitor network);

displaying a colorized map of said nodes of said compute infrastructure (fig. 10, a connection status display displays a colorized map for each interface node of compute infrastructure);

displaying a first quantitative percentage of change graphic associated with said nodes of said compute infrastructure (fig. 5 and 6, system table displays different colors (e.g. graphic change) and associated quantitative level values (e.g., first quantitative percentage);

wherein for each of said nodes, displaying said color hue associated with said monitored rate of node change or behavior (fig. 10, a connection status display displays color hue associated, associated with monitored condition (e.g., rate of node change or behavior), with for each interface node);

With respect to claim 2, Mayo teaches a method as in claim 1 further comprising:

providing one or more logical groupings of said nodes, each grouping having common node attributes (column 6, lines 66-67, the conditions of the first and second interface elements are combined to create (provide) a condition that represents the relationship (logical groupings having common node attributes) between the first and second interface elements (nodes));

selecting one of said logical node groupings (column 10, lines 34-35, a user may select more detailed information (e.g., logical node groupings), which the user interface 38 may provide as shown in step 48);

identifying on said colorized map said nodes of said selected logical grouping (fig. 10, a connection status display identifies node and associated status (logical grouping) on colorized map);

displaying a second quantitative percentage of change graphic having a percentage of change associated with said nodes of said selected logical grouping

(fig. 5 and 6, system table displays different colors (e.g. graphic change) and associated quantitative value (e.g., second quantitative percentage)).

With respect to claim 3, Mayo teaches the method as in claim 1, further comprising displaying textual data on at least a portion of said colorized map, said textual data comprising attribute information pertaining to said nodes of said compute infrastructure (column 10, lines 39-40, any of the link icons may contain additional textual information (textual data); fig. 11, item 116, see textual data "good"; fig. 11, item 117, see textual data "1.2 Mbps").

With respect to claim 4, Mayo teaches the method as in claim 2, further comprising:

   providing a set of baseline attributes to evaluate node conformity (column 6, lines 66-67, the conditions of the first and second interface elements are combined to create (provide) a condition that represents the relationship (set of node baseline attributes for evaluation) between the first and second interface elements (nodes));

   selecting one of said baseline attributes (column 10, lines 34-35, a user may select more detailed information (e.g., node baseline attributes), which the user interface 38 may provide as shown in step 48);

   identifying on said colorized map said nodes conforming to said selected baseline attribute (fig. 10, a connection status display identifies node and associated status (e.g., conforming of baseline attribute) on colorized map);

displaying said second quantitative percentage of change graphic having a percentage of change associated with said nodes conforming to said selected baseline attribute (fig. 5 and 6, system table displays different colors (e.g. graphic change) and associated quantitative value (e.g., second quantitative percentage).

With respect to claim 5, Mayo teaches the method as in claim 4, further comprising:

displaying said colorized map comprising substantially of said nodes conforming to said selected baseline attribute (fig. 10, a connection status display displays a colorized map for each interface node of compute infrastructure).

With respect to claim 11, Mayo teaches the method as in claim 1 wherein said color hues are determined using a weighted moving average (fig 11, item 117, see "1.2 Mbps Ave"; column 10, lines 42-46, link icon 117 contains the text "1.2 Mbps Ave." indicative that the average throughput between the hub 10 and the first network 1 is 1.2 Megabits per second (e.g., weighted moving average)).

With respect to claim 12, Mayo teaches the method as in claim 1 further comprising:

defining a timeframe (column 5, lines 35-40, The inference handlers may be initiated by predetermined virtual network events (e.g., system defined timeframe);

monitoring said nodes to determine said rate of node change or behavior

of each node during said time frame (column 5, lines 29- 32, Information

pertaining to the condition (rate of node change or behavior)of the network

resource (node) can be obtained (determined) from the network entity by polling

(monitoring) the resource...).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayo

et al. (U.S. 5,751,965), hereinafter Mayo.

With respect to claim 6, Mayo teaches each and every limitation of claims 1-5,

from which claim 6 depends. Mayo does teach two-dimensional modeling as shown in

figures 4, 5, and 10. However, Mayo does not explicitly teaches

displaying a three-dimensional graphic comprising said nodes conforming

to said selected baseline attribute.

Clearly, it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to utilize three-dimensional graphic as a way to model or

the interface nodes.   Three-dimensional graphics are commonly used to model scientific

and technical data and provide image depth perception of objects.

With respect to claim 7, Mayo teaches each and every limitation of claims 1, from

which claim 7 depends.   Mayo does teach where the quantitative percentages are

presented in a table format as shown in figures 5 and 6. However, Mayo does not

explicitly teaches

wherein said first quantitative percentage of change graphic is a pie chart.

Clearly, it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to implement a pie chart to display different colors (e.g.

graphic change) and associated quantitative value (quantitative percentage) because pie

charts are ubiquitously used to represent statistical data, by comparing a slice of data with

the whole "pie" of data.

With respect to claim 8, Mayo teaches each and every limitation of claims 1 and

2, which claim 8 depends. However, Mayo does not explicitly teaches

wherein said second quantitative percentage of change graphic is a pie

chart.

Clearly, it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to implement a pie chart to display different colors (e.g.

graphic change) and associated quantitative value (second quantitative percentage)

because pie charts are ubiquitously used to represent statistical data, by comparing a slice

of data with the whole "pie" of data.

With respect to claim 9, Mayo teaches each and every limitation of 1, which 9 depends. However, Mayo does not explicitly teach

wherein said first quantitative percentage of change graphic is a bar chart.

Clearly, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement of a bar chart to display different colors (e.g. graphic change) and associated quantitative value (first quantitative percentage) because bar charts are commonly used for comparing two or more values and can be horizontally or vertically oriented to illustrate pattern and trends.

With respect to claim 10, Mayo teaches each and every limitation of 1 and 2, which 10 depends. However, Mayo does not explicitly teach wherein said second quantitative percentage of change graphic is a bar chart Clearly, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement of a bar chart to display different colors (e.g. graphic change) and associated quantitative value (second quantitative percentage) because bar charts are commonly used for comparing two or more values and can be horizontally or vertically oriented to illustrate pattern and trends.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA NGUYEN whose telephone number is (571)270-5660. The examiner can normally be reached on Mondays, Thursdays, and alternate Fridays, 7:30 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on (571)272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A.N./
/ANGELA NGUYEN/
Examiner, Art Unit 4121
August 22, 2008

/Ramy M Osman/
Primary Examiner, Art Unit 2157